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OFFICE OF PETITIONS

In re Application of
James W. MCCAHERTY
Application No. 10/054,952
Filed: January 25, 2002
Attorney Docket No. 8350.0763-00

DECISION ON PETITION

This is a decision on the petition, filed December 04, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of February 27, 2007, which set a three (3) month shortened statutory period for reply. A reply was due on or before May 29, 2007.


Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on May 29, 2007 of, *inter alia*, Pre-Appeal Brief Request for Review, Notice of Appeal, Pre-Appeal Brief Request for Review and Check in the amount of \$500.00. A copy of the previously submitted reply accompanies the petition.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The copy of the reply supplied with the petition will be accepted in place of the reply shown to have been received by the USPTO on May 29, 2007.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 2629 for appropriate action in the normal course of business on the reply received with petition.


David Bucci
Petitions Examiner
Office of Petitions